

REMARKS

Applicant has carefully reviewed the Application in light of the Decision on Appeal mailed October 23, 2009. At the time of the Decision on Appeal, Claims 1-50, 59-60, and 67-85 were pending in the Application. The Examiner's rejections to Claims 1-4, 8-10, 11-16, 21-23, 25-40, 42-50, 59-60, and 67-85 is affirmed. The Examiner's rejections to Claims 5-7, 17-20, 24, and 41 have been reversed. Applicant amends several Independent Claims without prejudice or disclaimer in an effort to expedite the prosecution of this case.

The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-4, 8-10, 11-16, 21-23, 25-40, 42-50, 59-60 and 67-85 under 35 U.S.C. §103(a) as being unpatentable over several references, including Ketcham, Pereira, Chao, Simpson and Rosenberg.

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.¹

¹ See M.P.E.P. §2142-43.

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims. Independent Claim 1 recites (*inter alia*) "...receiving an aggregated reply packet from the peer aggregation device, wherein the aggregated reply packet indicates the status of at least some of the plurality of PPP sessions, wherein content of a local status table is updated with the status of the PPP sessions, which have the aggregation device as an endpoint; and sending a proxy keep-alive reply message to one of the plurality of end systems originating a corresponding one of the keep alive-messages without waiting for the aggregated reply packet to be received."

First, it appears that no reference includes a feature for ***receiving an aggregated reply packet from the peer aggregation device***, where the aggregated reply packet indicates the status of at least some of the plurality of PPP sessions, and where ***content of a local status table is updated with the status of the PPP sessions, which have the aggregation device as an endpoint***. Second, it appears that no reference offers an architecture for ***sending a proxy keep-alive reply message to one of the plurality of end systems originating a corresponding one of the keep alive-messages without waiting for the aggregated reply packet to be received***. All of these operations are occurring in the context of the environment recited in Independent Claim 1. Applicant has reviewed the cited references and finds nothing that would be pertinent to these teachings.

For at least these reasons, Independent Claim 1 is allowable over the cited references, or combination of references. The other Independent Claims recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous

ATTORNEY DOCKET NO.
CSCO-002 (CPOL 94701)
Confirmation No. 4202

PATENT APPLICATION
09/785,884

reasons. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Request for Continued Examination fee for \$810 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

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Date: December 21, 2009

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